

City Council Agenda

Council President
Clinton J. Olivier

Councilmembers

Oliver L. Baines III
Andreas Borgeas
Lee Brand

Sal Quintero
Larry Westerlund
Blong Xiong – Acting President

City Manager
Mark Scott

City Clerk
Yvonne Spence, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

March 8, 2012

8:30 A.M. ROLL CALL

Invocation by Pastor Natalie Chamberlain

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of the SPCA Pet of the Month - Councilmember Brand - **Presented**

Proclamation of "**MULTIPLE SCLEROSIS AWARENESS WEEK**" – Councilmember Brand – **Read and presented**

Proclamation of "GIRL SCOUTS 100 YEAR ANNIVERSARY AND YEAR OF THE GIRL" – Mayor's Office – **Read and presented**

Proclamation of "RITA RAMIREZ DAY" – Council President Olivier, Mayor's Office and Fresno Police Department – **Read and presented**

The agenda and related staff reports are available on (www.fresno.gov) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of March 1, 2012

Action Taken: Approved

Councilmember Reports and Comments

Action Taken: Made

Approve Agenda

Action Taken: Approved, as amended

Adopt Consent Calendar

Action Taken: Adopted

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

- A. * **RESOLUTION** – 49th amendment to the Annual Appropriation Resolution (AAR) No. 2011-133 appropriating \$24,300 in Emergency Solution Grant (ESG) funds in the Development and Resource Management Department's budget, as previously provided to the City by the U.S. Department of Housing and Urban Development, to carry out eligible activities **(Requires 5 affirmative votes)** – Development and Resource Management Dept.

Action Taken: Resolution No. 2012-31 adopted

- B. Approve purchase agreement for acquisition of one (1) parcel for the amount of \$68,000 from seller: Virginia Leon, to construct a new water supply well on 1128 Collins Avenue **(Property located in District 3)** – Department of Public Utilities

Action Taken: Approved

- C. Approve a substitution of a listed subcontractor for the building demolition at 2546 S. Willow Avenue – **(Property located in District 5)** – Public Works Department

Action Taken: Approved

- D. Approve acceptance of a \$158,505 Pacific Gas and Electric Company (PG&E) energy efficiency retrofit loan, and authorize the Assistant City Manager/Interim PARCS Director to execute all documents associated with the loan program - PARCS

Action Taken: Removed from the agenda/to be rescheduled

CONTESTED CONSENT CALENDAR

8:45 A.M.

GENERAL ADMINISTRATION

- A. * **RESOLUTION** - 509th amendment to Master Fee Schedule (MFS) Resolution No. 80-420 increasing green fees at Riverside Golf Course in the Parks Section (*Property located in District 2*) - PARCS
Action Taken: Discussed and continued two weeks to work on senior fees
- B. **RESOLUTION** - Authorizing the submission of applications for grant funds of \$632,000 from the California Department of Transportation Safe Routes to School Program and authorizing the execution of documents by the Public Works Director or his designee (*Proposed projects located in Districts 3 and 4*) – Public Works Department
Action Taken: Resolution No. 2012-32 adopted
- C. Approve Amendment No. I to the \$1.4 million HOME Investment Partnerships Program Community Housing Development Organization Agreement with the King of Kings Housing Development Corporation to increase the number of units in the Bridges at Florence affordable senior housing project from 21 to 34, extend the project completion date from October 1, 2013 to October 1, 2014, increase the project budget, and update the 55-year cash flow statement (*Property located in District 3*) – Development and Resource Management Dept.
Action Taken: Approved

SPECIAL MEETING NOTICE

- A. **RESOLUTION** - Authorizing the submission of two applications for grant funds for \$2,700,000 for transit oriented development projects from the Fresno Council of Governments under the Fresno County Measure C Transit Oriented Development (TOD) program and authorizing the execution of application related documents by the City Manager or designee (*Proposed projects located in District 3*) – Development and Resource Management Department
Action Taken: Resolution No. 2012-33 adopted

9:00 A.M.

CITY COUNCIL

- A. Report to Council from Harvey Rose – Analysis of City Funds – Acting President Xiong
Action Taken: Report made
- B. Presentation by Fresno State's ASI (Associated Students Inc.) to discuss "Violence Awareness Week" along with their accomplishments with the revitalization efforts
Action Taken: Presentation made

SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.

- HEARING** to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 9, Annexation No. 2 (Final Parcel Map No. 2010-09) (*Property located in District 1*) (North east corner of N. Blythe and W. Ashlan Avenues) – Public Works Department
Action Taken: Held
- a. **RESOLUTION** – Annexing territory to Community Facilities District No. 9 and authorizing the levy of a special tax
Action Taken: Resolution No. 2012-34 adopted
- b. **RESOLUTION** - Calling a special mailed-ballot election
Action Taken: Resolution No. 2012-35 adopted
- c. **RESOLUTION** - Declaring election results
Action Taken: Resolution No. 2012-36 adopted
- d. * **BILL** – Levying a special tax for the property tax year 2011-2012 and future tax years with and relating to Community Facilities District No. 9, Annexation No. 2
Action Taken: Bill No. B-7/Ordinance No. 2012-7 adopted

March 8, 2012

*SUBJECT TO MAYOR'S VETO OR RECONSIDERATION

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AND MAY BE AMENDED AT ANYTIME

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 10:15 A.M.** **HEARING** to consider Rezone Application No. R-11-016 and environmental findings, filed by William Gavello, pertaining to approximately 0.86 acres of property located on the north side of W. Whites Bridge Avenue between N. Fruit and N. Thorne Avenues (*Property located in District 3*) – Development and Resource Management Department
Action Taken: **Continued to 5/3/2012 @10:15 a.m.**
- a. Consider and adopt the environmental finding of a Finding of Conformity prepared for Environmental Assessment No. R-11-016
- b. **BILL**—Amending the Official Zone Map to reclassify the subject property from the C-6 (*Heavy Commercial*) zone district to the M-1 (*Light Manufacturing*) zone district.
- 10:30 A.M.#1** **CONTINUED HEARING** to consider the formation of a Special Tax District (Community Facilities District No. 16) for the maintenance of certain public improvements associated with the Universally Accessible Park (*Property located in District 1*) – Public Works Department (***Continue to March 22, 2012 at 10:00 A.M.***)
Action Taken: **Continued as noted**
- 10:30 A.M. #2** **CONTINUED HEARING** to consider designation of the Pullman Shed located at the (former) Southern Pacific Railroad Station 1713 Tulare Street to the Local Register of Historic Resources (*Property located in District 3*) – Development and Resource Management Department
Action Taken: **Held**
- a. * **RESOLUTION** – Consider designation of the Pullman Shed located at the (former) Southern Pacific Railroad Station 1713 Tulare Street to the Local Register of Historic Resources
Action Taken: **Resolution No. 2012-37 adopted**

SPECIAL CLOSED SESSION NOTICE

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Government Code Section 54956.9, Subdivision (b)

Significant Exposure to Litigation:

1. **Potential litigation:** City of Fresno v. Fresno Baseball Club LLC, Inc.
Action Taken: **Held**

CONFERENCE WITH LABOR NEGOTIATOR – Government Code Section 54957.6

City Negotiator(s): Kenneth Phillips, Terry Bond

Employee Organization(s):

IUOE, Stationary Engineers, Local 39 (L39)
Fresno City Employees Association (FCEA)
Fresno Police Officers Association (FPOA Basic)
International Association of Firefighters, Local 753 (IAFF Basic)
Amalgamated Transit Union, Local 1027 (ATU)
International Brotherhood of Electrical Workers, Local 100 (IBEW)
Fresno Police Officers Association (FPOA Management)
International Association of Firefighters, Local 753 (IAFF Management)
City of Fresno Professional Employees Association (CFPEA)
City of Fresno Management Employees Association (CFMEA)
Fresno Airport Public Safety Supervisors (FAPSS)

Action Taken: **Held**

PLEASE NOTE: SCHEDULED AND UNSCHEDULED COMMUNICATIONS ARE NOT TIMED AND MAY BE HEARD ANY TIME DURING THE MEETING

SCHEDULED COMMUNICATION –

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

SCHEDULED COUNCIL HEARINGS AND MATTERS

Mar.	15 –	NO MEETING	RECESS
Mar.	22 –	10:00 A.M.	CONTINUED HEARING to consider the formation of a Special Tax District (Community Facilities District No. 16) for the maintenance of certain public improvements associated with the Universally Accessible Park <i>(Property located in District 1)</i> – Public Works Department
Mar.	22 –	5:00 P.M.	HEARING re: Zack's Market, ABC Conditional Use Permit No. C-11-028 <i>(Property located in District 3)</i>
Mar	28 – (Weds)	2:00 P.M	Presentation of Employee Service Awards – <i>(Reception immediately following – 2nd floor foyer)</i>
Mar.	29 –	10:00 A.M.	HEARING re: Plan Amendment No. A-11-14 and Rezone Application No. R-11-020, filed by Derrel's Mini storage
Apr.	5 -	10:00 A.M	HEARING for the Adoption of a Resolution of Public Use and Necessity –Burrow, Nella and Burrow
Apr.	12 -		NO MEETING – EASTER BREAK
Apr.	19 -	1:00 P.M	MEETING
Apr.	26 -	10:00 A.M	HEARING to adopt a resolution ordering the vacation of approximately 155 feet of "L" Street southeast of Ventura Street <i>(Property located in District 3)</i>
May	3 -	10:00 A.M.	HEARING re: City of Fresno Community Facilities District No. 16 and to authorize the levy of special taxes for the maintenance of certain public improvements associated with the Universally Accessible Park <i>(Property located in District 1)</i>
May	3 -	10:15 A.M.	CONTINUED HEARING to consider Rezone Application No. R-11-016, filed by William Gavello, pertaining to approximately 0.86 acres of property located on the north side of W. Whites Bridge Avenue between N. Fruit and N. Thorne Avenues <i>(Property located in District 3)</i>